

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JACQUELINE C. FJELLIN, AND for and as
Trustees of the Leonard Van Liew Living
Trust; and JAMES J. VAN LIEW, for and as
Trustees of the Leonard Van Liew Living
Trust;

Plaintiffs,

vs.

FRAUENSHUH HOSPITALITY GROUP OF
MINNESOTA, a Minnesota limited liability
company;

Defendant.

8:15CV67

**AMENDED PROGRESSION
ORDER**

The Parties conferred and on January 14, 2014 filed a joint motion for amendment of the final progression order. ([Filing No. 50](#)).

IT IS ORDERED that the amended progression order is as follows:

- 1) The jury trial of this case is set to commence before Richard G. Kopf, Senior United States District Judge, in the Special Proceedings Courtroom, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 9:00 a.m. on **October 17, 2016**, or as soon thereafter as the case may be called, for a duration of five (5) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **October 4, 2016 at 1:00 p.m.**, and will be conducted by WebEx conferencing. The instructions and codes for participating in the pretrial conference by WebEx can be found at (Filing No. 35). The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on September 30, 2016.
- 3) A telephonic conference with the undersigned magistrate judge will be held on **July 5, 2016 at 2:00 p.m.** to discuss the status of case progression and potential settlement. Call-in instructions can be found at Filing No. 35.
- 4) The deadline for completing written discovery under Rules 33 through 36 of the

Federal Rules of Civil Procedure is June 15, 2016. Motions to compel Rule 33 through 36 discovery must be filed by June 29, 2016 **Note:** Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 5) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): February 1, 2016.

For the defendant(s): March 1, 2016.

- 6) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): April 1, 2016.

For the defendant: May 2, 2016.

For third party plaintiff and
third party defendants: May 2, 2016.

- 7) The deposition deadline is June 15, 2016.
- 8) The deadline for filing motions to dismiss and motions for summary judgment is July 15, 2016.
- 9) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is July 15, 2016.
- 10) Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.
- 11) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

January 15, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge